

STATE BOARD OF FUNERAL DIRECTORS/EMBALMERS

MINUTES OF MEETING

Monday, 23 August 2004

Open Session

The Open Session of the State Board of Funeral Directors/Embalmers (Board) was called to order at 2:00 P.M. on the above date in Room 104, Cannon Building, Rhode Island Department of Health, Three Capitol Hill, Providence, Rhode Island, pursuant to the applicable provisions of the Open Meeting Law, so called, and other applicable provisions of the General Laws of the State of Rhode Island, as amended. A quorum was established.

Board members in attendance:

Elizabeth Feid

Edward Murphy

Sheila C. Perkins

Board members not in attendance:

Robert T. Jones

Robert A. Nardolillo, Jr.

Staff members in attendance:

Kelly Doyle, Board Administrator, Health Professions Regulation
Gregory Madoian, Legal Counsel

Others in attendance:

William McGrath, Funeral Establishment Inspector

The minutes of the meeting held on 21 June 2004 were presented. On a motion by Ms. Feid and seconded by Ms. Feid, it was unanimously Voted to accept the Open and Executive minutes as presented and that the Executive minutes to remain sealed.

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Topics of Discussion

William McGrath provided the Board with an update on the

conclusion of the third round of funeral establishment inspections. Mr. McGrath provided the Board with a written summary of the infractions. Mr. McGrath noted the following:

- 99 funeral home establishments and 8 crematories have been inspected;
- Mr. McGrath noted that two (2) funeral establishments are not in compliance due to the following: one (1) funeral establishment is operating without a cold shower head or eye wash station, which is easily accessible to the preparation room, and the second funeral establishment is operating with a cold shower head, but it is not easily accessible to the preparation room.

On a motion by Ms. Feid and seconded by Ms. Perkins it was unanimously Voted that a letter be sent to the two (2) funeral establishments informing the funeral directors that the funeral establishments must have an operating preparation room by 10 October 2004 or the funeral establishment license will be further subject to discipline action pursuant to the Rules and Regulations Pertaining to Embalmers, Funeral Directors and Funeral Service Establishments. Staff will notify the two (2) funeral establishments of the Board's decision regarding this matter.

The Board and legal counsel reviewed a death notice in The Providence Journal regarding a funeral being performed at a funeral establishment's Chapel. The Board and Mr. McGrath noted that this funeral establishment is engaging in the practice of funeral directing

in the funeral establishment's chapel without possessing a license as such under the provisions of Chapter 5-33.2 of the Rhode Island General Laws. The Board and legal counsel instructed staff to send the funeral establishment a letter informing the funeral establishment to "cease and desist" in the practice of funeral directing in the Chapel until such time as the Chapel is duly licensed in accordance with the law.

Mr. McGrath will begin the next round of inspections in September and will report back to the Board during the February, 2005 scheduled Board meeting. The Board and staff thanked Mr. McGrath. Mr. McGrath left the meeting at this time.

Old Business

None

New Business

None

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Adjournment to Executive Session

On a motion by Ms. Perkins and seconded by Ms. Feid, it was unanimously so Voted to adjourn to Executive Session pursuant to 42-46-4 and 42-46-5(1) of the Rhode Island General Laws, in that confidential issues of fitness for licensure and investigative cases will be discussed, and/or oral examinations administered. The Open Session adjourned at 2:15 PM.

Return to Open Session

Mr. Murphy called the Open Session back to Order at 3:00 PM.

On motion of Ms. Feid, seconded by Ms. Perkins, it was unanimously voted to keep confidential all matters discussed in Executive Session and to seal those minutes inasmuch as fitness for licensure and ongoing disciplinary matters were addressed.

The Board reported that the following final actions were taken while in Executive Session:

2004-02-EMB: Unprofessional Conduct; the Board recommends, as a sanction, a one (1) year period of probation.

Topics of Discussion (continued)

The Board reviewed and approved the applications of the following individuals for licensure as funeral director/embalmer interns:

- Alyson Garber - Luis Ramirez (pending preceptor clarification)**
- Chad Gilbert**

The Board reviewed a request regarding whether Ms. Garber would be allowed to work full-time but get paid on a part-time basis. The Board and legal counsel reviewed Chapter 5-33.2 and noted that Chapter 5-33.2 does not prohibit an intern to work full-time but get paid on a part-time basis. The Board and legal counsel instructed staff to notify the funeral establishment and inform them that although Chapter 5.33.2 does not prohibit an intern to work full-time and get paid on a part-time basis, the Board reminds the funeral establishment to review and adhere to the state and federal labor regulations regarding this matter. Mr. Murphy abstained.

The Board and staff noted that the review of Chapter 5-33.2 is tabled until the next scheduled Board meeting.

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The Board reviewed correspondence from The International Conference of Funeral Service Examining Boards. No action was necessary.

Adjournment

The Chairman called for a motion to adjourn the Open Session pursuant to the Sections 42-46-4 and 42-42-5 of the General Laws of the State of Rhode Island. On a motion by Ms. Feid and seconded by Ms. Perkins, it was unanimously so Voted to adjourn. The Open Session of the meeting was adjourned at 3:35 P.M.

Respectfully submitted,

Kelly Doyle

Board Administrator

Health Professions Regulation